

Pt. 13, App. II

31 CFR Subtitle A (7-1-15 Edition)

\_\_\_\_\_ to meet an extraordinary protective need, which is expected to arise on \_\_\_\_\_ (date).

The nature of the extraordinary protective need prompting this request is as follows:

(If in association with a visit, include the name and title of the visiting foreign official or dignitary, the country represented and the name and location of the international organization involved and/or mission to be visited. The temporary domicile of the visiting official or dignitary and his schedule, including dates and times of arrival and departure from the United States, if available, must also be included. If the extraordinary protective need occurs at or, pursuant to §13.6 of 31 CFR part 13, in the vicinity of, a permanent mission to an international organization of which the United States is a member or at an observer mission invited to participate in the work of the organization, the application shall include the name and location of the mission. If the extraordinary protective need occurs at a foreign diplomatic mission, including a consular office, in conjunction with a qualifying visit by a foreign official or dignitary of the same country as that mission, the application shall include the name and location of the mission or office. If, pursuant to §13.8, the visiting foreign official is to travel by motorcade and/or visit locations other than his foreign mission or temporary domicile, the application shall include a description of the anticipated motorcade routes and all stops on the routes as well as the name (or description) and location of any other places to be visited.

The \_\_\_\_\_ (Government entity) \_\_\_\_\_ (is or is not) \_\_\_\_\_ prepared to provide \_\_\_\_\_ (all or a portion of) the protection required to meet this need. Attached is an estimate of the appropriate number of personnel, by grade and rank, and the specific services, equipment and facilities which will be required to meet this extraordinary protective need, along with an estimate of the cost of such personnel, services, equipment, and facilities.

(Date) \_\_\_\_\_

(State or local government of the affected metropolitan area)

(Signature) \_\_\_\_\_

(Title) \_\_\_\_\_

[45 FR 30622, May 9, 1980]

APPENDIX II TO PART 13—FORM OF BILL FOR REIMBURSEMENT

I hereby request that \_\_\_\_\_ (Governmental entity) be reimbursed by the Department of the Treasury pursuant to sections 202 and 208 of Title 3, U.S. Code, as amended and added, respectively, by Public Law 94-196

(89 Stat. 1109) (and/or pursuant to Public Law 96-74) for expenses incurred while providing an adequate level of protection during the extraordinary protective need arising in association with a visit of \_\_\_\_\_ (Official or dignitary's name and title) of \_\_\_\_\_ (Country) to participate in the work of \_\_\_\_\_ (International Organization) or occurring at the \_\_\_\_\_ (Permanent or observer mission) to \_\_\_\_\_ (International organization) during the period \_\_\_\_\_ (Date) through \_\_\_\_\_ (Date).

I certify that the level of protection provided was both reasonable and necessary; that the costs herein billed are only those direct costs associated with meeting the extraordinary protective need; and that the costs herein billed are not costs of an indirect nature such as administrative costs, overhead, and depreciation, except as provided in §13.6(a) of 31 CFR 13.

Access to all records, accounts, receipts, etc., pertaining to the costs herein billed will be accorded to representatives of the Assistant Secretary (Enforcement and Operations) and the General Accounting Office at such reasonable times and places as may be mutually agreed upon by said representatives and \_\_\_\_\_ (Governmental entity).

Date: \_\_\_\_\_

(Signature) \_\_\_\_\_

(Title) \_\_\_\_\_

[45 FR 30623, May 9, 1980]

PART 14—RIGHT TO FINANCIAL PRIVACY ACT

Sec.

14.1 Definitions.

14.2 Purpose.

14.3 Authorization.

14.4 Contents of request.

14.5 Certification.

AUTHORITY: Sec. 1108, Right to Financial Privacy Act of 1978, 92 Stat. 3697 *et seq.*, 12 U.S.C. 3401 *et seq.*; (5 U.S.C. 301); and Reorganization Plan No. 26 of 1950.

SOURCE: 44 FR 16909, Mar. 20, 1979, unless otherwise noted.

§ 14.1 Definitions.

For purposes of this regulation, the term:

(a) *Financial institution* means any office of a bank, savings bank, card issuer as defined in section 103 of the Consumer Credit Protection Act (15 U.S.C. 1602(n)), industrial loan company, trust company, savings and loan,

## Office of the Secretary of the Treasury

## § 14.5

building and loan, or homestead association (including cooperative bank), credit union, or consumer financial institution, located in any State or territory of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

(b) *Financial record* means an original of, a copy of, or information known to have been derived from, any record held by a financial institution pertaining to a customer's relationship with the financial institution.

(c) *Person* means an individual or a partnership of five or fewer individuals.

(d) *Customer* means any person or authorized representative of that person who utilized or is utilizing any service of a financial institution, or for whom a financial institution is acting or has acted as a fiduciary, in relation to an account maintained in the person's name.

(e) *Law enforcement inquiry* means a lawful investigation or official proceeding inquiring into a violation of or failure to comply with any criminal or civil statute or any regulation, rule, or order issued pursuant thereto.

(f) *Departmental unit* means those offices, divisions, bureaus, or other components of the Department of the treasury authorized to conduct law enforcement inquiries.

(g) *Act* means the Right to Financial Privacy Act of 1978.

### § 14.2 Purpose.

The purpose of these regulations is to authorize Departmental units to request financial records from a financial institution pursuant to the formal written request procedure authorized by section 1108 of the Act, and to set forth the conditions under which such requests may be made.

### § 14.3 Authorization.

Departmental units are hereby authorized to request financial records of any customer from a financial institution pursuant to a formal written request under the Act only if:

(a) No administrative summons or subpoena authority reasonably appears to be available to the Departmental unit to obtain financial records for the

purpose for which the records are sought;

(b) There is reason to believe that the records sought are relevant to a legitimate law enforcement inquiry and will further that inquiry;

(c) The request is issued by a supervisory official of a rank designated by the head of the requesting Departmental unit. Officials so designated shall not delegate this authority to others;

(d) The request adheres to the requirements set forth in § 14.4; and

(e) The notice requirements set forth in section 1108(4) of the Act, or the requirements pertaining to delay of notice in section 1109 of the Act are satisfied, except in situations where no notice is required. (e.g., section 1113(g))

### § 14.4 Contents of request.

The formal written request shall be in the form of a letter or memorandum to an appropriate official of the financial institution from which financial records are requested. The request shall be signed by an issuing official of the requesting Department unit. It shall set forth that official's name, title, business address and business phone number. The request shall also contain the following:

(a) The identity of the customer or customers to whom the records pertain;

(b) A reasonable description of the records sought;

(c) Any other information that the issuing official deems appropriate, e.g., the date on which the requesting Departmental unit expects to present a certificate of compliance with the applicable provisions of the Act, the name and title of the individual to whom disclosure is to be made, etc.

In cases where customer notice is delayed by a court order, a copy of the court order shall be attached to the formal written request.

### § 14.5 Certification.

Prior to obtaining the requested records pursuant to a formal written request, an official of a rank designated by the head of the requesting Departmental unit shall certify in writing to the financial institution

that the Departmental unit has complied with the applicable provisions of the Act.

## PART 15—POST EMPLOYMENT CONFLICT OF INTEREST

### Subpart A—General Provisions

Sec.

- 15.737-1 Scope.
- 15.737-2 Definitions.
- 15.737-3 Director of Practice.
- 15.737-4 Other discipline.
- 15.737-5 Records.

### Subpart B—Rules Applicable to Post Employment Practice by Officers and Employees of the Department

- 15.737-6 Interpretative standards.

### Subpart C—Administrative Enforcement Proceedings

- 15.737-7 Authority to prohibit practice.
- 15.737-8 Special orders.
- 15.737-9 Receipt of information concerning former Treasury employee.
- 15.737-10 Conferences.
- 15.737-11 Institution of proceeding.
- 15.737-12 Contents of complaint.
- 15.737-13 Service of complaint and other papers.
- 15.737-14 Answer.
- 15.737-15 Reply to answer.
- 15.737-16 Proof; variance; amendment of pleadings.
- 15.737-17 Motions and requests.
- 15.737-18 Representation.
- 15.737-19 Administrative Law Judge.
- 15.737-20 Hearings.
- 15.737-21 Evidence.
- 15.737-22 Depositions.
- 15.737-23 Transcript.
- 15.737-24 Proposed findings and conclusions.
- 15.737-25 Decision of the Administrative Law Judge.
- 15.737-26 Appeal to the General Counsel.
- 15.737-27 Decision of the General Counsel.
- 15.737-28 Notice of disciplinary action.

### Subpart D—Other Departmental Proceedings

- 15.737-29 Review by the General Counsel.

AUTHORITY: 92 Stat. 1864 (18 U.S.C. 207), as amended.

SOURCE: 45 FR 39842, June 12, 1980, unless otherwise noted.

## Subpart A—General Provisions

### § 15.737-1 Scope.

This part contains rules governing discipline of a former officer or employee of the Department of the Treasury because of a post employment conflict of interest. Such discipline may include prohibition from practice before the Department or a separate statutory agency thereof as those terms are defined in this part.

### § 15.737-2 Definitions.

For the purpose of this part—(a) The term *Department* means the Department of the Treasury and includes the separate statutory agencies thereof.

(b) The term *Director* means the Director of Practice.

(c) The term *General Counsel* means the General Counsel of the Department.

(d) The term *practice* means any informal or formal appearance before, or, with the intent to influence, any oral or written communication to the Department or, where applicable, to a separate statutory agency thereof on a pending matter of business on behalf of any other person (except the United States).

(e) The term *separate statutory agency thereof* means an agency or bureau within the Department designated by rule by the Director, Office of Government Ethics, as a separate agency or bureau. The Internal Revenue Service, Bureau of Alcohol, Tobacco and Firearms, United States Secret Service, Bureau of the Mint, United States Customs Service, Bureau of Engraving and Printing, and Comptroller of the Currency were so designated effective July 1, 1979.

### § 15.737-3 Director of Practice.

There is, in the Office of the Secretary of the Treasury, the Office of Director of Practice. The Director shall institute and provide for the conduct of disciplinary proceedings involving former employees of the Department as authorized by 18 U.S.C. 207(j), and perform such other duties as are necessary or appropriate to carry out his/her functions under this part.